

05-16-01

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 35784/209112 (5784-50)

First Inventor or Application Identifier: Caligiuri

Title of Invention: METHODS OF THERAPY FOR CANCERS
CHARACTERIZED BY OVEREXPRESSION OF THE HER2
RECEPTOR PROTEIN

Express Mail Label No. EM166865570US

ADDRESS TO: **BOX PATENT APPLICATION
COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231**

Transmitted herewith for filing in the United States Patent Office is a patent application for:

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J1046 U.S. PTO

09/855342



05/14/01

1. ☒ The Filing Fee has been calculated as shown below:
2. ☐ Applicant claims Small Entity Status. See 37 CFR 1.27.

	No. Filed	No. Extra	Small Entity Rate Fee 0	Large Entity Rate Fee 1
BASIC FEE			\$0	\$710
TOTAL CLAIMS:	21 - 20 =	1	X 9 = \$0	x 18 = \$ 18
INDEP CLAIMS:	1 - 3 =	0	X 40 = \$0	x 80 = \$0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+135 = \$	+270 = \$
*If the difference in Column 1 is less than zero, enter "0" in Column 2.			TOTAL \$	TOTAL \$728

The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Acct. No. 16-0605.

- a. ☒ Fees required under 37 CFR 1.16 (National filing fees).
- b. ☒ Fees required under 37 CFR 1.17 (National application processing fees).
- ☒ A check in the amount of \$ 728.00 for the filing fee is enclosed.
- ☐ The above filing fee will be paid along with Applicant(s) Response to the Notice to File Missing Parts.
3. ☒ Specification; Total Pages 43
4. ☐ _____ Sheets of Formal Drawing(s) (35 USC 113)

5. ☐ Declaration and Power of Attorney; [Total Pages ____]
 a. ☐ Newly executed (original or copy)
 b. ☐ Copy from a prior application (37 CFR 1.63(d))
 (for continuation/divisional with Box 18 completed)
 i. ☐ DELETION OF INVENTOR(S) Signed statement attached deleting
 inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) & 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76
7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 a. ☐ Computer Readable Copy (CRF)
 b. ☐ Request for Transfer of Computer Readable Form of Sequence Listing
 under 37 CFR § 1.821(e) and MPEP 2422.05
 c. ☐ Specification Sequence Listing on:
 i. ☐ CD-ROM or CD-R (2 copies); or
 ii. ☐ Paper (____ Pages)
 d. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

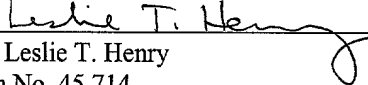
9. ☐ Assignment Papers (cover sheet & document(s) (including a check for the \$40.00 fee)
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee); ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449; ____ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
 Foreign Priority is
16. ☐ Request and Certification for Non-publication under 35 U.S.C. 122(b)(2)(B)(i).
 Applicant **must** attach form PTO/SB35 or its equivalent.
17. ☐ Request for Early Publication Under 37 CFR § 1.219. Fee of \$300.00 is enclosed.
18. **If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below
 and in a preliminary amendment, or in an Application Data Sheet under 37 CF 1.76:**
☐ Continuation ☐ Divisional ☐ Continuation in Part (CIP)
 of prior Application No: ____; Filed ____

Prior Application Information: Examiner

Group/Art Unit:

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

Signature:


Agent of Record: Leslie T. Henry
Agent Registration No. 45,714**Alston & Bird LLP**

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Date of Deposit May 14, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, Commissioner For Patents, Washington, DC 20231.


Polly P. Burton

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